

SIKKIM



GOVERNMENT

GAZETTE

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No. 457

**GOVERNMENT OF SIKKIM
LAW DEPARTMENT
GANGTOK**

No. 17/LD/17

Dated: 21.09.2017

NOTIFICATION

The following Act passed by the Sikkim Legislative Assembly and having received assent of the Governor on 8th day of September, 2017 is hereby published for general information :-

THE SIKKIM PREVENTION OF COW SLAUGHTER ACT, 2017

(ACT NO. 17 OF 2017)

AN

ACT

to prohibit and prevent the slaughter of cow and its female progeny in the State of Sikkim.

BE it enacted by the Legislature of Sikkim in the Sixty-eighth Year of the Republic of India as follows :-

Short title, extent and commencement	1	(1)	This Act may be called the Sikkim Prevention of Cow Slaughter Act, 2017.
		(2)	It extends to the whole of Sikkim.
		(3)	It shall come into force at once.
Definition	2	In this Act, unless the context otherwise:-	
		(a)	"competent authority" means the person or persons appointed in this behalf by the Government by notification to exercise the powers and perform the functions of a competent authority under this Act or the rules made thereunder for such area or areas and for such period as may be specified in the notification;
		(b)	"cow" includes milking cow, dry cow, heifer, calf;

- (c) "Government" means the State Government of Sikkim;
- (d) "prescribed" means prescribed by rules made under this Act;
- (e) "slaughter" means killing of an animal;
- (f) "unproductive cow" includes a cow which is permanently disabled, diseased, old aged cow, a cow which is permanently anoestrus.

Prohibition of cow slaughter

- 3** Notwithstanding anything contained in any other law for the time being in force or any usage or custom to the contrary and except as hereinafter provided, no person shall, at any place within the State of Sikkim slaughter or cause to be slaughtered, or offer or cause to be offered for slaughter, a cow.

Appointment and functions of Competent Authority

- 4**
- (1) The State Government may, by notification in the Official Gazette, appoint a person or a body of persons to perform the functions of a Competent Authority under this Act for such local area as may be specified in the notification.
 - (2) Notwithstanding anything contained in any other law for the time being in force or any usage to the contrary, no person shall slaughter or cause to be slaughtered a cow unless, he obtains in respect of such cow a certificate in writing from the Competent Authority appointed for that area, where the cow is to be slaughtered.
 - (3) The State Government may, at any time for the purpose of satisfying itself as to the legality or propriety of any order passed by a Competent Authority granting or refusing to grant any certificate under this section, call for and examine the records of the case and may pass such order in reference thereto as it thinks fit.
 - (4) A certificate under this section shall be granted in such form and on payment of such fees as may be prescribed.
 - (5) Any order passed by the Competent Authority granting or refusing to grant a certificate, and any order passed by the State Government under sub- section (3) shall be final and shall not be called in question in any Court.
 - (6) No animal in respect of which a certificate has been issued under this section shall be slaughtered in any place other than a place specified by such authority or officer as the Government may appoint in this behalf.
 - (7) For the purpose of this Act, the Competent Authority or any person authorized in this behalf by the Competent Authority (hereinafter referred to as the authorized person) shall have power to enter and inspect any premises where the Competent Authority or the authorized person has reasons to believe that an offence under this Act has been or is likely to be committed.

- (8) Every person in occupation of any such premises shall allow the Competent Authority or the authorized person such access to the premises as may be necessary for the aforesaid purpose and shall answer to the best of his knowledge and belief any question put to him by the Competent Authority or by the authorized person.

Section 3 not to apply to diseased cows

- 5 (1) Nothing in section 3 shall apply to the slaughter of a cow:-
- (a) which is suffering from any contagious or infectious disease notified as such by the Government; or
 - (b) Where a cow is slaughtered for the reasons stated in clause (a) , the person who slaughters or causes to be slaughtered such cow, shall first obtain a certificate from the Competent Authority under sub-section (2) of section 4 of this Act.
- (2) Such cow shall be slaughtered in such manner and at such place as may be prescribed by rules.
- (3) The carcass of such cow shall be buried or disposed of in such manner as may be prescribed by rules.

Establishment of institution/ Protective Shed/ Shelter House

- 6 There shall be protective shed/ shelter house etc established, maintained, managed, supervised and controlled by the Government or by any Local Authority, wherever so directed by the Government as may be necessary for taking care of unproductive cows in such manner as may be prescribed by rules.

Offences and Penalties

- 7 (1) The offence under this Act shall be cognizable and non- bailable.
- (2) Any person who contravenes the provision of section 3 shall be guilty of committing of an offence punishable with an imprisonment for a term which shall not be less than 2 (two) years but may extend to 5 (five) years and with fine which shall not be less than Rs. 10,000/- (Rupees ten thousand) only.
- (3) Any person committing the same offence for the second time or subsequent time shall be punished with a rigorous imprisonment for a term which shall not be less than 5 (five) years but may extend to 7 seven years and with fine which shall not be less than Rs. 1,00,000/- (Rupees one lakh) only.
- (4) Any person who abets and attempt to contravene the provisions of section 3 shall be punished with an imprisonment for a term of 2(two) years or with fine of Rs. 10,000/- (Rupees ten thousand) only or
- (5) Any person who fails to obtain a certificate in accordance with the provisions of sub- section (2) of section 4 shall be guilty of committing an offence and shall be liable to be punished with a simple imprisonment for a term of 1 (one)

year or with a fine which shall not be less than Rs. 1000/- (Rupees one thousand) only or with both.

(6) Where, in a trial for an offence punishable under sub-section (2) or sub-section (3), the accused pleads that the slaughtered cow belonged to the class specified in clause (a) of sub-section (1) of section 5, the burden of proving the said fact shall be on the accused.

(7) Notwithstanding anything contained in the Code of Criminal Procedure 1973;

An officer / public servant not below the rank of a Veterinary Officer shall lodge a first information report with regard to the commission of such offences as specified under the Act; such offences shall be tried in the competent Court of Law having territorial jurisdiction in the State of Sikkim.

(8) Any person who has witnessed or seen the occurrence or came to his knowledge about the commission of offence in contravention of the provision of section 3, may make a complaint/ first information report to the nearest Police Station having territorial jurisdiction.

Power to remove difficulties

8

If any difficulty arises in giving effect to any of the provision of this Act, the State Government may, by order, remove such difficulty:

Provided that no such order shall be made after the expiration of a period of two years from the date of commencement of this Act.

Power to make rules

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(1) The State Government may make rules for the purpose of carrying into effect the provisions of this Act.

(2) Without prejudice to the generality of the foregoing powers, such rules may provide for:-

(a) the conditions and the circumstances under which cows are to be slaughtered under section 5;

(b) the manner in which diseases shall be notified under clause (a) of sub-section (1) of section 5;

(c) the matters relating to the establishment, maintenance, management supervision and control of institutions referred to in section 6;

(d) the duties of any officer or authority having jurisdiction under this Act, the procedure to be followed by such officer or authority; and

(e) any other matter which is to be or may be prescribed.

Provision to be in addition to existing law

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The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force in Sikkim.

Jagat B. Rai (SSJS)
LR-cum-Secretary,
Law Department.